

Version No. 002
Melbourne College of Divinity Act 1910
Act No. 2275/1910

Version incorporating amendments as at 20 October 2005

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Version No. 002

Melbourne College of Divinity Act 1910

Act No. 2275/1910

Version incorporating amendments as at 20 October 2005

An Act to provide for the Constitution and Incorporation of a College of Divinity under the name of the Melbourne College of Divinity.

Preamble

WHEREAS by section twenty-five of the **University Act 1890** as amended by the **University Act 1903** it is provided inter alia that, subject to the statutes and regulations of the University, the Council thereof may after examination confer in any Faculty except Divinity any degree diploma certificate or licence:

Nos 1151
s. 25, 1826
s. 2.

AND WHEREAS it is expedient to provide facilities for the conferring of degrees diplomas and certificates in divinity and for that purpose to provide for the constitution and incorporation of a body (other than the University of Melbourne or any College or educational establishment affiliated to or connected with the University) which body shall be authorized to confer degrees diplomas and certificates in divinity, and to hold examinations for that purpose:

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

Melbourne College of Divinity Act 1910

Act No. 2275/1910

s. 1

1. Short title

This Act may be cited as the **Melbourne College of Divinity Act 1910**.

2. Definitions

In this Act unless inconsistent with the context or subject-matter—

S. 2 def. of "associated disciplines" inserted by No. 54/2005 s. 3.

"associated disciplines" means studies in religion and ministry practice directly related to Divinity in its contemporary, historical, social and cultural contexts;

S. 2 def. of "Council" inserted by No. 54/2005 s. 3.

"Council" means the Council of the College;

"the College" means the Melbourne College of Divinity incorporated under this Act;

"prescribed" means prescribed by this Act or by any regulations;

S. 2 def. of "recognised teaching institution" inserted by No. 54/2005 s. 3.

"recognised teaching institution" means a teaching institution or group of institutions recognised by the Council under section 23;

"Regulations" means regulations made under this Act.

3. Constitution of College

S. 3 amended by Nos 8335 s. 2(a)(i)–(iv), 9325 s. 4(1), substituted by No. 54/2005 s. 4.

- (1) For the purpose of this Act, the body corporate under the name the Melbourne College of Divinity continues to be constituted and incorporated as provided in this Act.

- (2) The College consists of—
- (a) the Council;
 - (b) persons who are appointed by the Council in accordance with the regulations as Fellows of the College;
 - (c) members of the boards and committees of the College;
 - (d) members of the academic staff and general staff of the College that are specified by the Council or of a class of staff specified by the Council;
 - (e) persons enrolled as students of the College in courses or parts of courses leading to a degree, diploma, certificate or other award of the College;
 - (f) persons designated by the College as scholars of the College.

4. Objects of College

The objects of the College include—

- (a) the pursuit of the highest standards in teaching and research in Divinity and associated disciplines;
- (b) the offering to scholars and students of Divinity of the opportunity to anchor faith in understanding, and in a spirit of dialogue to engage with society;
- (c) to respect, encourage, challenge and inform students who come to the College to learn;
- (d) to respond to the academic needs of the churches, and to promote their integrity;

S. 4
amended by
No. 8335
s. 3,
substituted by
Nos 9325
s. 5, 54/2005
s. 4.

- (e) to address issues from a sound and reasoned theological viewpoint and to offer society opportunities for dialogue with traditions and values that have been refined over centuries;
- (f) to aid, by research and other appropriate means, the advancement and development of knowledge and its practical application to the churches, wider academic and community life, and public policy;
- (g) to confer degrees, diplomas and certificates and other awards in Divinity and associated disciplines.

S. 5
amended by
No. 9325
s. 6(a).

5. Incorporation

S. 5(1)
amended by
Nos 9325
s. 6(b),
54/2005
s. 5(1).

- (1) The College continues to be a body corporate under the name of the Melbourne College of Divinity with perpetual succession and a common seal, and by that name shall be capable in law of suing and being sued, and for the purposes of the said College shall be capable of acquiring, holding and disposing of real and personal property and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

S. 5(2)
inserted by
No. 9325
s. 6(c).

- (2) Without affecting the generality of subsection (1), the College may—
 - (a) erect buildings;
 - (b) accept gifts, devises and bequests made to the College whether on trust or otherwise;
 - (c) act as trustee of moneys or other property vested in the College upon trust;

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- (d) reimburse to—
- (i) members of the Council, reasonable travelling and other expenses incurred in attending meetings of the Council and in carrying out the business of the College;
 - (ii) members of committees and boards established for the purposes of this Act, reasonable travelling and other expenses incurred in attending meetings of those committees or boards and in carrying out the business of the College;
 - (iii) other persons, reasonable travelling and other expenses incurred in carrying out the business of the College;
- (e) raise or borrow money in such manner and upon such security (if any) as the Council determines;
- (f) invest and deal with moneys of the College upon such security or otherwise in such manner as may from time to time be determined by the Council;
- (g) grant scholarships, prizes, exhibitions, bursaries and other awards;
- (h) publish material arising from or relating to the activities of the College;
- (i) do anything else necessary to carry out the objects of the College or that is authorised by this Act.
- S. 5(2)(d) substituted by No. 54/2005 s. 5(2)(a).**
- S. 5(2)(e) amended by No. 54/2005 s. 5(2)(b).**
- S. 5(2)(f) amended by No. 54/2005 s. 5(2)(c).**
- S. 5(2)(g) amended by No. 54/2005 s. 5(2)(d).**
- S. 5(2)(h) amended by No. 54/2005 s. 5(2)(e).**
- S. 5(2)(i) inserted by No. 54/2005 s. 5(2)(f).**

S. 6
repealed by
No. 9325 s. 7,
new s. 6
inserted by
No. 54/2005
s. 6.

6. The Council

- (1) The Council is the governing authority of the College and has the direction and superintendence of the College.
- (2) The primary responsibilities of the Council include—
 - (a) appointing and monitoring the performance of a Dean of the College;
 - (b) appointing a Registrar of the College;
 - (c) ensuring that its processes are carried out in accordance with this Act;
 - (d) approving the mission and strategic direction of the College, and its annual budget and business plan;
 - (e) appointing an external auditor;
 - (f) appointing an audit committee with a chairperson and at least 3 other persons who are not staff or students of the College;
 - (g) overseeing and reviewing the management of the College and its performance as a higher education institution;
 - (h) establishing policy and procedural principles for the operation of the College consistent with legal requirements and community expectations;
 - (i) approving and monitoring systems of control and accountability of the College including those required to maintain a general overview of any entity controlled by the College in accordance with section 50AA of the Corporations Act;
 - (j) overseeing and monitoring the assessment and management of risk across the College, including commercial undertakings;

- (k) overseeing and monitoring the academic activities of the College;
- (l) approving any significant commercial activities of the College.

7. Composition of Council

- (1) The Council consists of—
 - (a) the Dean of the College;
 - (b) the Chairperson of the Academic Board;
 - (c) not more than 2 persons appointed by each of the following—
 - (i) the Standing Committee of the Provincial Council of the Anglican Church of Australia in Victoria;
 - (ii) the Baptist Union of Victoria;
 - (iii) the Conference of the Churches of Christ in Victoria and Tasmania;
 - (iv) the Episcopal Conference of the Melbourne Province of the Roman Catholic Church in Victoria;
 - (v) the Synod of Victoria and Tasmania of the Uniting Church in Australia;
 - (d) 3 persons appointed by the Council;
 - (e) not more than 6 other persons appointed in accordance with sub-section (2).
- (2) With the agreement of two-thirds of the appointed members of the Council, and of the heads of churches represented on the Council, any other church may appoint not more than 2 members to the Council.

S. 7
repealed by
No. 9325 s. 7,
new s. 7
inserted by
No. 54/2005
s. 6.

- (3) Of the persons appointed under sub-section (1)—
- (a) 2 must be persons with financial expertise with relevant qualifications and experience in financial management at a senior level;
 - (b) one must be a person with commercial expertise at a senior level.
- (4) Of the persons appointed by each of the churches under sub-section (1) or (2)—
- (a) not more than one shall be a person employed by the Council or a recognised teaching institution or a student of the College; and
 - (b) none shall be a member of the Parliament of Victoria or of the Commonwealth or of any other State or Territory of Australia.
- (5) None of the persons appointed by the Council under sub-section (1) shall be a person employed by the Council or a recognised teaching institution or a student of the College.
- (6) At least half the members of the Council must be persons who are neither enrolled as a student nor employed by the Council or a recognised teaching institution.

S. 8
amended by
Nos 8335
s. 2(b)(c), 9325
s. 8(a)–(e),
substituted by
No. 54/2005
s. 6.

8. Terms and conditions of office

- (1) Subject to this Act, a member of the Council appointed by a church or the Council holds office until 31 December in the second year next following the year his or her appointment takes effect.
- (2) Despite sub-section (1)—
- (a) a church may appoint a member until 31 December in the year, or in the year following the year, the member's appointment takes effect to ensure that

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- 3 offices of the members appointed by the churches fall vacant each year;
- (b) the Council may appoint a member until 31 December in the year, or in the year following the year, the member's appointment takes effect to ensure that one office of the members appointed by the Council falls vacant each year;
- (c) a member of the Council appointed in accordance with paragraph (a) or (b) holds office for the period specified in his or her instrument of appointment.
- (3) A member appointed to the Council is eligible to be appointed to the Council at the end of the member's term of office, but not so as to extend his or her period in office to exceed 12 years membership (whether consecutive or not).
- (4) Sub-section (3) does not apply to a member appointed to the Council whose membership of the Council exceeds 12 years if the Council passes a resolution that the person may continue to be a member beyond that period.

8A. Acting members

- (1) If a member of the Council is unable to attend a meeting of the Council and has obtained leave of the Council before that meeting, the body that appointed that person may appoint another person qualified to be appointed as a member to act as the member during the meeting.
- (2) While the appointment of an acting member remains in force, the acting member has and may exercise all the powers and perform all the duties and functions of the member.

S. 8A
inserted by
No. 54/2005
s. 6.

s. 9
amended by
No. 9325 s. 9,
substituted by
No. 54/2005
s. 6.

9. Resignation and removal of appointed members

- (1) A member of the Council, other than the President, may resign by writing delivered to the President.
- (2) The President may resign by writing delivered to a meeting of the Council.
- (3) A member of the Council appointed by a church may, at any time, be removed by the church.
- (4) The office of a member of the Council becomes vacant if the member—
 - (a) is or becomes disqualified from managing corporations under Part 2D.6 of the Corporations Act; or
 - (b) has failed to attend, without the Council's prior approval, 3 consecutive ordinary meetings of the Council.
- (5) Without limiting this section and the powers of a church under this section, the Council may remove a member from office in accordance with this section.
- (6) The Council may only remove a member from office if it is of the opinion that the member has failed to comply with the responsibilities of a member of the Council.
- (7) The Council must not remove a member from office unless—
 - (a) another member gives notice at an ordinary meeting of the Council of an intention to move a motion for the member to be removed from the Council and sets out in the notice the grounds for removal; and

- (b) the member gives that notice no later than at the last ordinary meeting of the Council before the meeting at which the motion to remove the member will be put to the Council; and
- (c) if the member to be removed is not present at the meeting at which that notice is given, the Council gives the member written notice of the intention and sets out in the notice the grounds for removal; and
- (d) the Council gives the member to be removed an opportunity, at or before the meeting where the motion for removal is to be considered, to make submissions in writing or personally before the Council of the reasons why the member should not be removed from the Council; and
- (e) by a majority of two-thirds of the members present at the meeting, the Council passes a resolution removing the member from office on the grounds stated in the notice given under this section.

9A. Filling of vacancies on retirement

The appointment of a person as a member of the Council to fill a vacancy caused by the retirement of a member upon the expiration of the term of office must be made at least one month before the date of expiration of the term of office of the retiring member.

S. 9A
inserted by
No. 54/2005
s. 6.

9B. Casual vacancies

- (1) If the office of a member of the Council becomes vacant otherwise than by reason of the expiry of the member's term of office, a person must be appointed to fill the vacancy as soon as practicable after the office falls vacant.

S. 9B
inserted by
No. 54/2005
s. 6.

s. 9C

- (2) The member so appointed must satisfy the requirements of section 7 with respect to the office that has become vacant.
- (3) The appointment shall be made by the body by which the member whose office has become vacant was appointed.
- (4) The person appointed holds office, subject to this Act, for the remainder of the term of the office that fell vacant.
- (5) If the vacancy occurs within 3 months before the expiry of a member's term of office, the office may be left vacant for the remainder of the term.

S. 9C
inserted by
No. 54/2005
s. 6.

9C. Failure by church to appoint member

If a church fails to appoint a member to fill a vacant office under section 9A or 9B within 3 months after the vacancy occurs, the Council may appoint a member to fill the vacant office.

S. 10
amended by
Nos 9325
s. 10(a)(b),
54/2005
s. 7(1)(a)(b).

10. Certificate of appointment

Where any person is appointed a member of the Council by a church the recognised head in Victoria of the church or union which appointed that member shall deliver or send to the President of the Council a certificate in writing under his hand stating that such person has been appointed; and such certificate shall be conclusive evidence of the appointment.

11. Validation of acts and proceedings

- (1) No act or proceeding of the Council acting under the powers conferred by this Act shall be invalid or illegal by reason only of there being any vacancy in the number of members at the time of doing or executing such act or proceeding.

S. 11(1)
amended by
No. 54/2005
s. 7(2).

- (2) All acts and proceedings of the Council or of any person acting as a member thereof shall, notwithstanding that it may be afterwards discovered that there was some defect in the appointment of any person acting as a member, be as valid as if such person had been duly appointed.

S. 11(2)
amended by
No. 54/2005
s. 7(2).

12. Ordinary meetings

S. 12
substituted by
No. 54/2005
s. 8.

- (1) The Council must hold meetings for the transaction of ordinary business at least 4 times in each year.
- (2) The meetings are to be held at the times and places that are prescribed by the regulations or, if there are no regulations, at the times and places that the Council determines.

13. Special meetings

- (1) The Council may hold special meetings, and the President or the Vice-President or any three or more members may call a special meeting.
- (2) No special meeting shall be held unless at least four clear days' notice thereof is given to members.
- (3) The notice shall be in writing and shall specify the time and place of the meeting and the object thereof.
- (4) No business shall be transacted at a special meeting except such as is stated in the notice thereof.

S. 13(1)
amended by
No. 54/2005
s. 7(2).

s. 14

S. 14
amended by
No. 54/2005
s. 9(1)(2) (LA
s. 39B(1)).

14. Election of President and Vice-President

- (1) The Council shall elect 2 members appointed to the Council to be President and Vice-President respectively annually or whenever a vacancy occurs.
- (2) If a vacancy occurs in the office of the President or Vice-President, the Council must appoint a person to the office for the remainder of the term of the vacant office.

S. 14(2)
inserted by
No. 54/2005
s. 9(2).

15. Procedure of Council

- (1) The President or, in the absence of the President, the Vice-President must preside at a meeting of the Council at which he or she is present.
- (2) If neither the President nor Vice-President are present at a meeting the members present may elect a member to preside at the meeting.
- (3) The person presiding at a meeting has a deliberative vote and a second or casting vote.
- (4) A majority of the members of the Council currently holding office constitutes a quorum.

S. 15
amended by
No. 8335
s. 2(d),
substituted by
No. 54/2005
s. 10.

16. Declaration of interests

- (1) A member of the Council who has an interest in a matter being considered or about to be considered by the Council must, as soon as practicable after the relevant facts have come to his or her knowledge, declare the nature of the interest at a meeting of the Council or in writing addressed to the President.
- (2) If the President receives a written declaration under sub-section (1), the President must report it, or cause it to be reported, at the next meeting of the Council.

S. 16
substituted by
No. 54/2005
s. 10.

- (3) The person presiding at a meeting at which a declaration is made under sub-section (1) or reported under sub-section (2) must cause a record of the declaration to be made in the minutes of the meeting.
- (4) After a declaration is made under sub-section (1) by a member of the Council—
 - (a) unless the Council otherwise directs, the member must not be present during any deliberation with respect to that matter; and
 - (b) the member is not entitled to vote on the matter; and
 - (c) if the member does vote on the matter, the vote must be disallowed.

17. Council member's responsibilities

- (1) A member of the Council must act in the interests of the College as a whole and is responsible to the Council for furthering the purposes of the Council and the objects of the College rather than any constituent person or body who appointed the member.
- (2) A member of the Council must not make improper use of his or her position on the Council including the improper use of any information acquired in the course of his or her duties to obtain directly or indirectly any advantage for himself or herself or any other person.
- (3) A member of the Council, in carrying out his or her functions and duties, must—
 - (a) act in good faith, honestly and for proper purposes consistent with the objects and interests of the College;
 - (b) exercise appropriate care and diligence;

S. 17
substituted by
No. 54/2005
s. 10.

- (c) take reasonable steps to avoid all conflicts of interest unless they are disclosed in accordance with section 16.

S. 18
substituted by
No. 54/2005
s. 10.

18. Resolutions without meetings of the Council

- (1) If a majority of the members for the time being of the Council sign a document circulated by, or on behalf of, the President containing a statement that those members are in favour of a resolution in terms set out in the document, a resolution in those terms shall be taken to have been passed at a meeting of the Council held on the day on which the document is signed or, if the members do not sign it on the same day, on the day on which the last member to sign signs the document.
- (2) If a resolution is, under sub-section (1), taken to have been passed at a meeting of the Council, each member must be advised as soon as practicable and given a copy of the terms of the resolution.
- (3) For the purposes of sub-section (1), two or more separate documents containing a statement in identical terms, each of which is signed by one or more members, shall be taken to constitute one document.
- (4) In this section, "**member**", in relation to a resolution, does not include a member who, by reason of section 16, is not permitted to vote on the resolution.

S. 18A
inserted by
No. 54/2005
s. 10.

18A. Delegation

The Council, by resolution of the Council or by or under regulation, may delegate all or any of its powers, authorities, duties and functions, other than—

- (a) the power to make regulations; and

(b) this power of delegation—

to the Dean of the College, the Registrar of the College, any of the members of a committee or board appointed by the Council, a member of the Council or a person employed by the College.

18B. Indemnities

The College must indemnify and keep indemnified each member of the Council and any member of a committee or board constituted by resolution of the Council or by or under regulation against all actions or claims (whether arising during or after the term of office of that member) in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of any powers or duty conferred or imposed upon the Council, committee or board or upon any member or members of the Council by or under this Act.

S. 18B
inserted by
No. 54/2005
s. 10.

19. Appointment of officers

(1) The Council must appoint—

- (a) a Dean as chief executive officer of the College; and
- (b) a Registrar as public officer and Secretary of the College.

S. 19(1)
amended by
Nos 8335 s. 4,
9325 s. 11(1),
substituted by
No. 54/2005
s. 11(1).

(1A) The Council may appoint examiners, teaching staff and any other officer or person that are necessary for carrying out the objects and purposes of the College.

S. 19(1A)
inserted by
No. 54/2005
s. 11(1).

(2) The Council—

- (a) may provide for the remuneration of any officer or person so appointed; and
- (b) may remove any officer or person so appointed.

S. 19(2)
amended by
No. 54/2005
s. 11(2).

Melbourne College of Divinity Act 1910

Act No. 2275/1910

s. 19A

S. 19(3)
amended by
No. 54/2005
s. 11(3).

(3) A member of the Council is not disqualified by reason only of his membership from being appointed to any office under this section.

S. 19(4)
inserted by
No. 54/2005
s. 11(4).

(4) The Council may by resolution specify the persons or classes of person who are to be academic staff and general staff employed by the College for the purposes of this Act.

S. 19A
inserted by
No. 54/2005
s. 12.

19A. Creation and administration of trust and other funds

(1) The College—

(a) may acquire property by gift, grant, bequest or devise; and

(b) may agree to and carry out any conditions of any such gift, grant, bequest or devise.

(2) Subject to this Act, the Council may create and administer any trust fund or funds for any other purpose whatsoever.

(3) The Council may establish one or more investment common funds for the collective investment of any trust and other funds held by or in the custody of the College.

(4) The Council, from time to time without liability for breach of trust, may bring into or withdraw from any investment common fund the whole or any part of any trust fund or other fund, despite any direction to the contrary, whether express or implied, contained in the trust instrument.

(5) The Council must not bring into any investment common fund the whole or any part of any trust fund if any of the securities in which the capital of the investment common fund is invested are securities in which the trust fund is not authorised to be invested.

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- (6) Subject to sub-section (7), the Council must periodically distribute the income of each investment common fund among the funds participating in the common fund, having regard to the extent of the participation by each fund in the common fund during the relevant accounting period.
 - (7) The Council, if it considers it expedient to do so, may from time to time add some portion of the income of the common fund to the capital of the common fund or use some part of the income to establish or augment a fund or funds as a provision against capital depreciation or reduction of income.
 - (8) The Council may, out of the annual income of a trust fund in an investment common fund, periodically deduct an amount not exceeding 5% of the annual income of that trust fund as commission for the administration of that trust fund.
 - (9) The commission deducted in accordance with sub-section (8) is to be received and accepted by the College as full payment to it for the costs of administration of the trust fund.
 - (10) The College must not make any other charges on the trust fund in addition to the commission received under sub-section (9), except in accordance with the trust deed.

s. 20

No. 1151 s. 20.

S. 20

repealed by
No. 8335 s. 5,
new s. 20
inserted by
No. 9325
s. 12(1).

20. Accounts and audit

S. 20(1)
amended by
No. 54/2005
s. 13(a).

(1) The Council must cause to be kept proper accounts and records of the transactions and affairs of the College and shall do all things necessary to ensure that all payments out of moneys of the College are correctly made and properly authorized and that adequate control is maintained over the assets of or in the custody of the College and over the incurring of liabilities by the College.

S. 20(2)
amended by
No. 54/2005
s. 13(b).

(2) The accounts and records shall be kept at the office of the College or at such other place or places as the Council thinks fit and shall be open to inspection by members of the Council at all times and to such other persons as the Council shall from time to time determine at such times and places and subject to such conditions as it thinks fit.

S. 20(3)
amended by
No. 54/2005
s. 13(c).

(3) The Council shall cause the accounts of the College to be audited once in each year by a registered company auditor.

S. 20A
inserted by
No. 54/2005
s. 14.

20A. Academic Board

- (1) There shall be an Academic Board for the purposes of—
- (a) oversight of academic programs and courses of study in the College and other academic affairs of the College;

(b) providing advice to the Council on the academic programs and courses of study in the College and other academic affairs of the College.

(2) The Academic Board consists of the number of members that the regulations prescribe.

21. Powers of Academic Board

(1) The Academic Board—

(a) may discuss and submit to the Council an opinion on any matter relating to academic programs and courses of study of the College and, in particular, may make to the Council any recommendations that it thinks proper with respect to instruction, studies, discipline, examinations, assessments, research, degrees, diplomas, certificates and other awards in those programs or courses of study of the College; and

(b) must report to the Council on all matters submitted to it by the Council for report.

(2) The Academic Board has any other powers and duties that are conferred or imposed upon it by this Act or by the regulations.

(3) The Academic Board may regulate its own proceedings subject to this Act and except as otherwise prescribed by the regulations.

22. Boards and committees

(1) The Academic Board may appoint boards and committees that are constituted in accordance with the regulations.

(2) A board or committee appointed by the Academic Board must report to the Academic Board on its activities at the times and in the manner that the Academic Board directs.

S. 21
amended by
No. 8335 s. 6,
substituted by
No. 54/2005
s. 14.

S. 22
substituted by
No. 54/2005
s. 14.

s. 23
amended by
Nos 5956
s. 2(1)(a), 8335
s. 7(1),
23/1990
s. 4(1),
substituted by
No. 54/2005
s. 14.

23. Recognised teaching institutions

- (1) The Council, on the advice of the Academic Board and in accordance with the regulations, may recognise an institution or a group of institutions as being authorised by the College to teach and examine students in academic programs and courses of study that will lead to the award by the Council of a degree, diploma, certificate or other award relating to a program or course of study.
- (2) The Academic Board is responsible for ensuring that recognised teaching institutions account to the Board for all academic matters relating to courses of study and programs offered by the institution that lead to the award by the Council of a degree, diploma, certificate or other award relating to that program or course of study.
- (3) The Council or the Academic Board may require a recognised teaching institution to provide any of the following information relating to academic programs or courses of study provided by the institution—
 - (a) the curricula of those programs or courses of study;
 - (b) the qualifications and experience of staff of the institution teaching the programs or courses of study;
 - (c) the views of students undertaking those programs or courses of study;
 - (d) any other information that the Board or the Council believes is necessary for the evaluation or improvement of the quality of the delivery of those programs or courses of study.

- (4) The Council, on the advice of the Academic Board and in accordance with the regulations, may revoke the recognition of a teaching institution, if it is of the opinion that the teaching institution should no longer be recognised for the purpose of providing academic programs or courses of study that lead to the award of degree, diploma, certificate or other award by the Council.

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S. 23A inserted by No. 23/1990 s. 5, repealed by No. 54/2005 s. 14.

24. Academic functions

The College may—

- (a) conduct academic programs and courses of study for the admission to an examination or to a degree, diploma, certificate or other award of the College;
- (b) hold examinations for the academic programs and courses of study conducted by the College in the manner, at the times and in the subjects that are prescribed.

S. 24 amended by No. 5956 s. 2(1)(b), substituted by No. 8335 s. 7(2), amended by Nos 9325 s. 13(a)(b), 23/1990 s. 4(2), substituted by No. 54/2005 s. 14.

25. Awards of the College

- (1) Subject to the regulations, the Council may, after appropriate assessment, confer any degree or grant any diploma, certificate or other award (including a post-graduate award) in Divinity or associated disciplines.
- (2) The Council may admit honoris causa to any degree in Divinity any person whether or not the person has graduated at the College.

S. 25 amended by No. 5956 s. 3, substituted by Nos 8335 s. 7(2), 54/2005 s. 14.

s. 26

- (3) If the regulations so provide, the Council may, in prescribed circumstances and in the manner prescribed, revoke any degree, diploma, certificate or other award conferred or granted by the Council.

S. 26
amended by
Nos 5956
s. 2(2), 8335
s. 8,
substituted by
No. 54/2005
s. 14.

26. Degree of Doctor of Divinity

The Council may, in accordance with the regulations, confer the degree of Doctor of Divinity upon a person who has completed—

- (a) work of distinction that, in the opinion of the Council, is an original and substantial contribution to the study of theology; or
- (b) over an extended period of time, work of distinction that, in the opinion of the Council, is an outstanding internationally recognised contribution to the advancement of learning in Divinity.

27. No religious test for candidates, examiners, officers etc.

No religious test shall be imposed upon any person in order to entitle him to be enrolled by the College or to be a candidate for any examination or to graduate or to receive any diploma or certificate or to be an examiner or to hold any office or employment or any advantage emolument or privilege in connexion with the College.

S. 28
repealed by
No. 9325
s. 14.

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29. Persons fulfilling prescribed conditions entitled to graduate etc.

Every person who has fulfilled the conditions prescribed for enrolment or for the granting of any degree diploma or certificate shall be entitled to be enrolled or to receive such degree diploma or certificate (as the case may be).

30. Regulations

In addition to any regulations which it is empowered to make under this Act the Council may make regulations (not repugnant to any law in force in Victoria) for or with respect to all or any of the following subjects—

- (a) the time and place of its meetings, and the management and conduct of business thereat;
- (b) the keeping of minutes of meetings;
- (c) the use and custody of the seal;
- (d) the election of the President and Vice-President;
- (da) the appointment of boards and committees;

S. 30 amended by No. 54/2005 s. 15(a).

S. 30(da) inserted by No. 8335 s. 9(1)(a), amended by No. 54/2005 s. 15(b).

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S. 30(e) repealed by No. 9325 s. 12(2).

- (f) the appointment and removal and the powers duties and the control supervision and guidance and the remuneration of the Dean, the registrar the examiners teaching staff and all officers and persons appointed or employed by it;

S. 30(f) amended by Nos 8335 s. 9(1)(b), 9325 s. 11(2).

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s. 30

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| S. 30(g)
substituted by
Nos 8335
s. 9(1)(c), 9325
s. 15(a). | (g) admission to courses of study; |
| S. 30(ga)
inserted by
No. 9325
s. 15(a). | (ga) enrolment at the College; |
| S. 30(gb)
inserted by
No. 9325
s. 15(a). | (gb) admission to examinations; |
| S. 30(gc)
inserted by
No. 9325
s. 15(a). | (gc) scholarships, prizes, exhibitions, bursaries
and other awards; |
| S. 30(ia)
inserted by
No. 8335
s. 9(1)(d),
substituted by
No. 54/2005
s. 15(c). | (h) discipline;
(i) examinations and courses of study;
(ia) the approval of institutions and groups of
institutions as recognised teaching
institutions for the purposes of section 23
and the terms and conditions of approval; |
| S. 30(ib)
inserted by
No. 8335
s. 9(1)(d),
substituted by
No. 54/2005
s. 15(c). | (ib) the fees to be paid by recognised teaching
institutions; |
| S. 30(j)
substituted by
No. 54/2005
s. 15(d). | (j) degrees, diplomas, certificates and other
awards of the College; |

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s. 30

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| (ja) the recognition of qualifications for the purposes of admission to degrees, diplomas, certificates or other awards of the College; | S. 30(ja) inserted by No. 8335 s. 9(1)(e), substituted by Nos 9325 s. 15(b), 54/2005 s. 15(d). |
| (jb) prescribing degrees, diplomas, certificates or other awards for the purposes of this Act and the qualifications required for the conferring of the degrees, diplomas, certificates or other awards; | S. 30(jb) inserted by No. 8335 s. 9(1)(e), substituted by No. 54/2005 s. 15(d). |
| * * * * * | S. 30(jc) inserted by No. 8335 s. 9(1)(e), repealed by No. 54/2005 s. 15(d). |
| * * * * * | S. 30(jd) inserted by No. 23/1990 s. 6, repealed by No. 54/2005 s. 15(d). |
| (k) fees to be paid for admission, enrolment, administration, lectures, classes, courses of study, examinations, diplomas, certificates or degrees; | S. 30(k) substituted by Nos 8335 s. 9(1)(f), 9325 s. 15(c), amended by No. 54/2005 s. 15(e). |
| (l) the use of any buildings or facilities of the College; | S. 30(l) substituted by No. 9325 s. 15(c). |
| (la) fees to be paid for the use of buildings or facilities of the College; and | S. 30(la) inserted by No. 9325 s. 15(c). |
| (m) generally for duly administering and carrying out the powers of the College. | |
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s. 31

S. 31
substituted by
No. 54/2005
s. 16.

31. Regulations affecting courses of study

- (1) Before a regulation concerning a degree, diploma, certificate or other award is made, amended or revoked by the Council, the Council must submit the proposal to the Academic Board for its report.
- (2) If the Council declares a proposed regulation to which sub-section (1) applies to be urgent, the Council may make the regulation without complying with sub-section (1).
- (3) A regulation made under sub-section (2) ceases to have effect at the expiration of 6 months after it is made, unless it sooner expires or is revoked.
- (4) If the Academic Board does not report to the Council within 2 months (or such longer or shorter period as the Council determines in any particular case) after submission of a proposed regulation to the Academic Board, the Council may make, amend or revoke the regulation without the report.

S. 32
amended by
No. 8335
s. 9(2),
substituted by
No. 54/2005
s. 16.

32. Requirements for regulations

- (1) The Council must ensure that before a regulation is made at least 7 clear days' notice in writing is given to members of the Council specifying the time and place of the meeting at which the regulation is to be made and containing a copy of the regulation to be amended, revoked or remade and of the proposed amendment or revocation or the re-made regulation.
- (2) The production of a verified copy of regulations made by the Council under the common seal of the Council seal is sufficient evidence of the authenticity of the regulations in all courts.

- (3) The Registrar of the College must—
- (a) arrange for copies of all regulations to be published; and
 - (b) supply a copy of the regulations to a person on request by the person and on payment of the prescribed charge.

33. Service of notices

- (1) A notice required by this Act or the regulations to be served on a member of the Council may be given personally to the member or sent by prepaid post or electronic transmission to the member.
- (2) It is not necessary to give notice of a meeting of the Council to a member of the Council who is absent from Victoria.
- (3) Any notice or other document required to be served on the College may be served by leaving the same with the Registrar or sending it through the post in a prepaid letter addressed to the College at its office or usual place of meeting.

S. 33(1)
substituted by
No. 54/2005
s. 17.

S. 33(2)
substituted by
No. 54/2005
s. 17.

34. Transitional and savings

- (1) The Melbourne College of Divinity is deemed to be the same body after as before its reconstitution under section 4 of the **Melbourne College of Divinity (Amendment) Act 2005** and no act, matter or thing is to be affected by that reconstitution.
- (2) Section 8(3) does not apply to a member of the Council appointed, co-opted or elected before the commencement of section 6 of the **Melbourne College of Divinity (Amendment) Act 2005** with respect to that appointment, co-option or election but does apply to that member in relation to any further appointment to the Council after that date.

S. 34
inserted by
No. 54/2005
s. 18.

ENDNOTES

1. General Information

The **Melbourne College of Divinity Act 1910** was assented to on 17 December 1910 and came into operation on 17 December 1910.

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Melbourne College of Divinity Act 1910** by Acts and subordinate instruments.

Melbourne College of Divinity (Amendment) Act 1956, No. 5956/1956

Assent Date: 22.5.56
Commencement Date: 22.5.56
Current State: All of Act in operation

Melbourne College of Divinity Act 1972, No. 8335/1972

Assent Date: 5.12.72
Commencement Date: 5.12.72
Current State: All of Act in operation

Melbourne College of Divinity Act 1979, No. 9325/1979

Assent Date: 18.12.79
Commencement Date: 18.12.79
Current State: All of Act in operation

Melbourne College of Divinity (Amendment) Act 1990, No. 23/1990

Assent Date: 5.6.90
Commencement Date: 5.6.90
Current State: All of Act in operation

Melbourne College of Divinity (Amendment) Act 2005, No. 54/2005

Assent Date: 13.9.05
Commencement Date: 20.10.05: Government Gazette 13.10.05 p. 2263
Current State: All of Act in operation

3. Explanatory Details

No entries at date of publication.